

REMARKS

Claims 1-20 are pending in the application. The Examiner has rejected Claims 1, 4, 8 and 12-20 under 35 U.S.C. §103(a) as being obvious over Johansson et al. (U.S. Patent 6,643,813) in view of Beming et al. (U.S. Patent 6,236,646). The Examiner has rejected Claims 2, 3, 5-7 and 9-11 under 35 U.S.C. §103(a) as being obvious over Johansson et al. in view of Beming et al. and further in view of Honkasalo et al. (U.S. Patent 6,091,717).

Regarding the rejections of independent Claims 1, 8 and 12-20 under §103(a), the Examiner states that Johansson et al. and Beming et al. disclose all of the elements of these claims. Regarding the rejection of independent Claims 5 and 11 under §103(a), the Examiner states that Johansson et al., Beming et al. and Honkasalo et al. disclose all of the elements of the claims.

Johansson et al. discloses a method and apparatus for reliable and efficient data communications; Beming et al. discloses packet data communications scheduling in a spread spectrum communications system; and, Honkasalo et al. discloses a method for scheduling packet data transmission.

Initially, it is respectfully submitted that a common channel is commonly shared by a plurality of mobile stations. A dedicated channel is dedicated to one-to-one communication between a base station and an individual mobile station. The claims of the present application relate to an apparatus and a method of designating a reverse common channel as a dedicated channel to be used by a mobile station to respond to a message sent by a base station. The Examiner cites Beming et al. as disclosing the designating of a reverse common channel as a dedicated channel.

Beming et al. relates to designating dedicated channels, not common channels. The claims of the present application designate a common channel to be used as a

dedicated channel. Beming et al. does not designate a common channel to be used as a dedicated channel; Beming et al. designates dedicated channels to be used as dedicated channels. With respect to Claims 1, 8 and 12-20 Johansson et al. does not cure this defect; and, with respect to Claims 5 and 11 Johansson et al. and Honkasalo et al. do not cure this defect.

Although the Examiner states, "the scheduling taught in Beming converts a common channel into a dedicated channel in the same manner the applicant does", the Examiner does not and cannot provide support for this statement.

Additionally it is respectfully submitted that the references do not teach or disclose a reverse common channel designating indicator. The indicator is a specific indicator, namely a reverse common channel designating indicator. This indicator informs the mobile station of the specific reverse common channel that is being designated for the mobile station to use as a dedicated channel to transmit the response message. The Examiner never actually rejects this specific feature, but indirectly implies that spreading factors and spreading codes can be equated with a reverse common channel designating indicator. This, of course, is incorrect.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 8 and 12-20 under §103(a) and the rejection of independent Claims 5 and 11 under §103(a) is respectfully requested.

Independent Claims 1, 5, 8, 11 and 12-20 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4, 6, 7, 9 and 10, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4, 6, 7, 9 and 10 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-20,

are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516

PJF/MJM/dr